

EXHIBIT A

USA's Answers to Interrogatories

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Michele Leuthauser,

Plaintiff,

v.

United States of America; and Unknown
Transportation Security Administration
Officer,

Defendants.

Case No. 2:20-cv-00479-JCM-VCF

**United States of America's Responses
to Plaintiff's First Set of Interrogatories**

Pursuant to Fed. R. Civ. P. 33, the United States of America provides its answers and objections to Plaintiff's First Set of Interrogatories to Defendant United States of America as follows:

Preliminary Statement

The information supplied in these Answers is the information currently available through due diligence, unless privileged, and Defendant therefore reserves the right to reasonably supplement or modify these responses should additional information become available.

Definitions

A. "Nondiscoverable/Irrelevant" - The request in question concerns a matter that is not relevant to the subject matter at issue in this litigation.

1 B. “Unduly burdensome” - The request in question seeks discovery that is unduly
2 burdensome or expensive, taking into account the needs of the case, limitations on the
3 parties’ resources, and the importance of the issues at stake in the litigation.

4 C. “Vague” - The request in question contains a word or phrase that is not
5 adequately defined, or the overall request is confusing, and Defendant is unable to
6 reasonably ascertain what information Plaintiff seeks in the request.

7 D. “Overly broad” - The request seeks information or documents beyond the scope
8 of, or beyond the time period relevant to, the subject matter at issue in this litigation and,
9 accordingly, seeks information that is nondiscoverable/irrelevant and/or is unduly
10 burdensome.

11 E. “Disproportional” - The request in question seeks discovery that is not
12 proportional to the needs of the case, considering the importance of the issues at stake, the
13 amount in controversy, the parties’ resources and access to the information, the importance
14 of the discovery in resolving issues, and whether the burden or expense of the discovery
15 outweighs its likely benefit.

16 Interrogatories

17 **Request No. 1:** Identify the dates of employment and all titles held by all TSA
18 employees who interacted with Plaintiff on the date of the incident described in the
19 complaint.

20 **Answer:** Defendant objects to this interrogatory as it is overly broad as to “all TSA
21 employees who interacted with Plaintiff on the date of the incident.” Subject to this
22 objection and based upon the reasonably available information, Nilda Briones joined TSA
23 as a Transportation Security Officer (TSO) on May 13, 2007, at McAllen-Mission
24 International Airport in Hidalgo, Texas. She was promoted to Lead Transportation
25 Security Officer (LTSO) on April 11, 2010, and transferred to LAS as such on July 3, 2011,
26 but requested a voluntary downgrade to TSO on Sept. 22, 2013. She was promoted to
27 Supervisory Transportation Security Officer (STSO) on Nov. 12, 2017. Ms. Briones is
28 currently an STSO at LAS.

1 Michelynn Jacobs joined TSA as a TSO at LAS on Jan. 7, 2018. She continues to
2 hold this position.

3 Anita Serrano joined TSA as a TSO at LAS on December 12, 2016. She was
4 promoted to LTSO in August 2018. She transferred to Portland International Airport in
5 July 2019, accepting a voluntary downgrade to TSO in order to do so, and voluntarily
6 separated from TSA on December 22, 2019.

7 Mellissia Griffin-Carter joined TSA as a TSO on Feb. 3, 2008. She continues to hold
8 this position.

9 Discovery is ongoing and Defendant reserves the right to supplement this
10 interrogatory if new information becomes available.

11 **Request No. 2:** If any of the employees identified in Interrogatory #1 are no longer
12 employees of TSA, please indicate whether the employee resigned or was terminated, and if
13 terminated, the circumstances that led to termination.

14 **Answer:** Please see Defendant's response to Interrogatory 1.

15 **Request No. 3:** Were any investigations or disciplinary proceedings initiated in
16 relation to this incident or for any reason against the employees identified in Interrogatory
17 #1, and if so, describe the circumstances and outcome.

18 **Answer:** Defendant objects to this interrogatory because it is vague as to
19 "investigations or disciplinary proceedings," "incident" and "circumstances." The
20 interrogatory is also overly broad as to "any investigations or disciplinary proceedings." The
21 interrogatory also calls for irrelevant information and calls for a narrative. Subject to these
22 objections, upon receipt of plaintiff's complaint, TSA investigated the matter and no
23 disciplinary proceedings were instituted against the employees identified in Interrogatory 1.
24 The Department of Homeland Security Office of Inspector General (OIG) received a citizen
25 complaint from Alex Leuthauser and investigated the incident that gave rise to this lawsuit.
26 As to the OIG investigation, TSA understands that the allegations made by Michele
27 Leuthauser against Anita Serrano were found to be unsubstantiated. *See Defendants'*
28 *Privilege Log for OIG Report bates numbered US000204-379PRIV.*

1 **Request No. 4:** Under the circumstances described in the complaint – a resolution
2 pat-down due to a body scanner alert – is a traveler required by TSA policy to submit to a
3 search in a private room?

4 **Answer:** Defendant objects to the premise of this interrogatory, namely that
5 Plaintiff was subject to “a resolution pat-down due to a body scanner alert.” Defendant also
6 objects to this interrogatory as vague, because “TSA policy” is undefined, and as seeking
7 Sensitive Security Information. Subject these objections, TSA’s standard operating
8 procedures for screening passengers do not require that pat downs occur in a private room.
9 Please also refer to Defendant’s Privilege Log for the subject procedure governing screening
10 pat-downs at bates numbered documents US000069-203PRIV.

11 **Request No. 5:** Is a TSA screener permitted under any circumstance to digitally
12 penetrate the bodies of travelers? (If so, explain the circumstances in which TSA screeners
13 are so authorized).

14 **Answer:** Defendant objects to this interrogatory as vague as to “under any
15 circumstance” and “digitally penetrate the bodies of travelers.” Defendant further objects to
16 the interrogatory as seeking Sensitive Security Information. Please define “digitally
17 penetrate” so that a response can be made. Subject to these objections, please refer to the
18 Privilege Log for the subject procedure governing screening pat-downs at bates numbered
19 documents US000069-203PRIV.

20 **Request No. 6:** During her employment, was TSO Serrano trained as to the policy
21 details described in Interrogatories #4 and #5?

22 **Answer:** Defendant objects to this interrogatory as vague as to the “policy details
23 described in Interrogatories #4 and #5”. Subject to this objection, Ms. Serrano was trained
24 in TSA’s passenger screening standard operating procedures.

25 **Request No. 7:** Please describe, in great detail, the facts and circumstances
26 surrounding the allegation in Plaintiff’s complaint of which Nilda Briones is familiar based
27 on her personal first-hand observation.
28

1 **Answer:** Defendant objects to this interrogatory because it is overly broad as to
2 “describe, in great detail,” improperly calls for a narrative, and is more appropriate for a
3 deposition. Subject to these objections, Defendant’s understanding is as stated in STSO
4 Briones’ statement, produced at US000059-60 and US000351PRIV-US000353PRIV, which
5 is identified on the Privilege Log.

6 **Request No. 8:** Please describe, in great detail, the facts and circumstances
7 surrounding the allegation in Plaintiff’s complaint of which Michelynn Jacobs is familiar
8 based on her personal, first-hand observation.

9 **Answer:** Defendant objects to this interrogatory because it is overly broad as to
10 “describe, in great detail,” improperly calls for a narrative, and is more appropriate for a
11 deposition. Subject to these objections, Defendant’s understanding is as stated in STSO
12 Jacobs’ statement produced at US000061-63 and US000336PRIV-US000338PRIV, which is
13 identified on the Privilege Log.

14 Dated this 12th day of January 2021.

15 NICHOLAS A. TRUTANICH
16 United States Attorney

17 s/ Brianna Smith
18 BRIANNA SMITH
19 Assistant United States Attorney
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VERIFICATION

I, Carie Muirhead, in my capacity as former Transportation Security Administration Program Analyst—Customer Support Manager for the State of Nevada, declare as follows:

I am currently employed as the Customer Support Quality Improvement Manager for the State of Colorado with the Transportation Security Administration, an agency of the federal government. I have reviewed the foregoing **Answers to Plaintiff's First Set of Interrogatories**, in my official capacity. The foregoing responses are true to the best of my knowledge and the information available to me in my official capacity.

I declare under penalty of perjury that the foregoing is true and correct.

Dated this 11th day of January, 2021.

Carie Muirhead

Print Name: CARIE MUIRHEAD

Certificate of Service

I, Angel Villalpando, Legal Assistant, certify that the following individual was served with the United States' Responses to Plaintiff's First Set of Interrogatories on this date by the below identified method of service:

U.S. Mail & Electronic Mail

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Attorneys for Plaintiff

Dated this 12th day of January 2021.

/s/ Angel Villalpando
Angel Villalpando, Legal Assistant